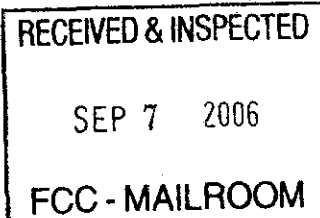


September 6, 2006

RE: CC Docket No. 02-6 & CC Docket No. 9645  
Bethel School District (Entity # 145275)  
Contact Info: JB Fitzpatrick  
516 E 152<sup>nd</sup> St  
Spanaway WA 98387  
(253) 683-6961  
[jfitzpatri@bethelsd.org](mailto:jfitzpatri@bethelsd.org)



Form 471 Application #: 459587

Funding Request Number(s): 1277846, 1277928, 1277937, 1277944, 1277949, 1277954, 1277960, 1277988, 1277997, 1278016, 1278033, 1278036, 1278041, 1278045, 1278050, 1278056, 1278060, 1278066, 1278078

This is an appeal to the FCC as a response to the SLC rejecting our appeal for reimbursement for Bethel School District's leased fiber WAN. I believe the following series of events clearly demonstrates the merits of our case.

- March 10, 2005 - Original Application to SLC for leased fiber for our WAN, which has always been approved in the past.
- February 15, 2006 - On SLC website it was stated that a letter was sent with same date. We never received the letter.
- March 20, 2006 - After waiting for the letter became a concern, we requested the status of YR8 - 471 (Leased Fiber WAN) and were provided a case number. (Case# 21-395845)
- March 20, 2006 - SLC declined to respond because my name was not properly submitted on form. There was no effort to contact me regarding this error, the SLC simply did not communicate.
- April 10, 2006 - Because of no movement on our case, I again requested the status of YR8 - 471 (Leased Fiber WAN) FCDL (orig. never received)
- April 10, 2006 - In response to that request I received notice that "a duplicate FCDL has been requested". (case# 21-405300)
- May 8, 2006 - After not receiving the FCDL, I, for the third time, requested the status of YR8 - 471 (Leased Fiber WAN) FCDL with reference to email sent to us on 4/10/06. (case# 21-405300)
- May 8, 2006 - The response to that request was "a second request for a duplicate FCDL was requested on May 3, 2006. Please allow seven to ten days for receipt." However they stated that the request for the duplicate letter was made on 4/10/06 but we never received any letter or further communication. (case# 21-405300)
- May 23, 2006 - Because several weeks had passed, I, for the fourth time, requested status again of YR8 - 471 (Leased Fiber WAN) It was clear the SLC was not effectively dealing with a critical funding issue at this time.
- June 1, 2006 - The response was "another request for this letter has been requested through case #21-405300." That case was filed on 4/10/06.
- FINALLY on June 13, 2006 - Through email, I received with copy of original letter dated 2/15/06. Email simply states "Attached is the copy of the FCDL letter that you requested". I was astonished that it took me four requests and constant pushing to get something that was so easily sent through email.
- June 14, 2006 - Because I finally and officially knew that our request had been denied, I requested process for appeal - only response was to go to website.
- June 15, 2006 - Submitted appeal online with all supporting documents demonstrating the fiber is our leased WAN and reimbursable in accordance with eRate rules. We included copies of the bills and the original application language both of which clearly states the service applied for and received is for "leased fiber for our WAN".
- July 20, 2006 - Received letter from SLC rejecting appeal because it postmarked more than 60 days after the date of the FCDL.

It is my belief that Bethel School District has been wronged in this process and the appeal. The appeal should have been on the merits and consideration given to the lack of appropriate communication from the SLC regarding my numerous requests.

*[Handwritten signature]*  
MAILED

Therefore, we are asking the FCC to step in and reverse both the appeal and funding denial based on the facts presented. In addition to this document, I have included our original application language to the SLC and a copy of the bill we receive for the service as proof of the type of service Bethel receives.



Universal Service Administrative Company  
Schools & Libraries Division

**Administrator's Decision on Appeal – Funding Year 2005-2006**

July 20, 2006

J.B. Fitzpatrick  
Bethel School District 403  
516 176th Street East  
Spanaway, WA 98387-8335

RECEIVED & INSPECTED

SEP 7 2006

FCC - MAILROOM

Re: Applicant Name: BETHEL SCHOOL DISTRICT 403  
Billed Entity Number: 145275  
Form 471 Application Number: 459587  
Funding Request Number(s): 1277846, 1277928, 1277937, 1277944, 1277949,  
1277954, 1277960, 1277988, 1277997, 1278016,  
1278033, 1278036, 1278041, 1278045, 1278050,  
1278056, 1278060, 1278066, 1278078  
Decision Letter Date: February 15, 2006  
Date Appeal Postmarked: June 15, 2006  
Your Correspondence Received: June 15, 2006

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Schools and Library Division (SLD) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company

**ERATE**  
**Year 8**  
**July 1, 2005 - June 30, 2006**

**Attachment #: YRS-B1**

Bethel School District #403  
Entity #145275  
Form 471 Form Identifier: YR 8 - 471  
471 Application Number: 459587  
470 Application Number: 264390000433247  
Contact Name: JB Fitzpatrick  
Contact Address: 516 E 176th St, Spanaway WA 98387

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FRN: MULTIPLE  
Service Provider Name: Rainier Connect, Inc.  
SPIN #: 143015349  
Contract #: Fiber Backbone - 0012614

Provides IP connection that will transport voice and data services to each site via 2 strand fiber @ \$492.50 per month.

TO: FCC  
202-418-0187

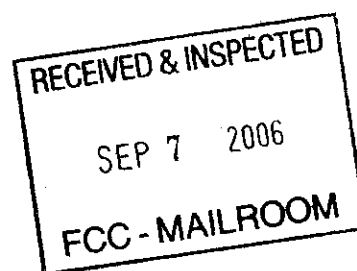
DOCKET FILE COPY ORIGINAL

FR: JB Fitzpatrick  
jfitzpatri@bethelsd.org  
253.683.6961

RE: FCC Appeal

Date: September 7, 2006

Page 1 of 6



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